

that have occurred since 1990, including an assessment of the impact of the mergers on—

(i) market concentration;

(ii) the ability of the companies to exercise market power;

(iii) wholesale prices of petroleum products; and

(iv) the retail prices of petroleum products;

(B) an assessment of the impact that vitiating the mergers reviewed under subparagraph (A) would have on each of the matters described in clauses (i) through (iv) of subparagraph (A);

(C) an assessment of the impact of prohibiting any 1 company from simultaneously owning assets in each of the oil industry sectors of exploration, refining and distribution, and retail on each of the matters described in clauses (i) through (iv) of subparagraph (A);

(D) an assessment of—

(i) the effectiveness of divestitures ordered by the Federal Trade Commission in preventing market concentration as a result of oil industry mergers approved since 1995; and

(ii) the effectiveness of the Federal Trade Commission in identifying and preventing—

(I) market manipulation;

(II) commodity withholding;

(III) collusion; and

(IV) other forms of market power abuse in the oil industry; and

(E) an assessment of—

(i) whether any of the 5 largest oil companies in the United States have taken any actions to exert influence on independent or franchise retail gasoline stations to discourage or prohibit the installation of storage tanks and pumps capable of storing and dispensing E85 gasoline; and

(ii) whether the actions described in clause (i) would be considered anticompetitive.

(g) **EMERGENCY DESIGNATION.**—The amounts provided under this section are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

**SA 3759.** Mr. LEVIN (for himself, Ms. STABENOW, Mr. DEWINE, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 235, between lines 19 and 20, insert the following:

**SEC. 3065. EMERALD ASH BORER.**

The Secretary shall use \$15,000,000 of funds of the Commodity Credit Corporation to carry out activities for the eradication of the emerald ash borer in the States of Michigan, Ohio, and Indiana.

**SA 3760.** Mr. BIDEN (for himself, Mr. LUGAR, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 99, line 11, insert after the colon the following: “*Provided further*, That the Secretary shall submit, at the same time as the report required by the previous proviso, a report to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives summarizing the quantity and

type of assistance provided to the security forces of Afghanistan during the previous fiscal quarter:”.

On page 101, line 8, insert after the colon the following: “*Provided further*, That the Secretary shall submit, at the same time as the report required by the previous proviso, a report to the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives summarizing the quantity and type of assistance provided to the security forces of Iraq during the previous fiscal quarter:”.

**SA 3761.** Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 253, between lines 19 and 20, insert the following:

**CONTRACT AUTHORITY**

**SEC. 70.** (a) Section 1940 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59; 119 Stat. 1511) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(C) by striking “\$10,000,000” each place that it appears and inserting “\$12,500,000”; and

(2) by adding at the end the following:

“(c) **CONTRACT AUTHORITY.**—Except as otherwise provided in this section, funds authorized to be appropriated under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.”.

(b) Of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, \$50,000,000 is rescinded.

**SA 3762.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 12 and 13, insert the following:

**REPORT ON ALLEGED CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM**

**SEC. 1406.** (a) **IN GENERAL.**—The President shall ensure that the United States Government continues to comply with the authorization, reporting, and notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(b) **DIRECTOR OF NATIONAL INTELLIGENCE REPORT.**—

(1) **REPORT REQUIRED.**—Utilizing funds appropriated by this Act and available for the intelligence and intelligence-related activities of the United States Government in an amount not to exceed \$100,000, the Director of National Intelligence shall, not later than 60 days after the date of the enactment of this Act, provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a detailed report setting forth the nature and

cost of, and otherwise providing a full accounting on, any clandestine prison or detention facility currently or formerly operated by the United States Government, regardless of location, where detainees in the global war on terrorism are or were being held.

(2) **ELEMENTS.**—The report required by paragraph (1) shall set forth, for each prison or facility, if any, covered by such report, the following:

(A) The location and size of such prison or facility.

(B) If such prison or facility is no longer being operated by the United States Government, the disposition of such prison or facility.

(C) The number of detainees currently held or formerly held, as the case may be, at such prison or facility.

(D) Any plans for the ultimate disposition of any detainees currently held at such prison or facility.

(E) A description of the interrogation procedures used or formerly used on detainees at such prison or facility and a determination, in coordination with other appropriate officials, on whether such procedures are or were in compliance with United States obligations under the Geneva Conventions and the Convention Against Torture.

(3) **FORM OF REPORT.**—The report required by paragraph (1) shall be submitted in classified form.

**SA 3763.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 4939, making emergency supplemental appropriations for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 126, between lines 12 and 13, insert the following:

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(A) The location and size of such prison or facility.

(B) If such prison or facility is no longer being operated by the United States Government, the disposition of such prison or facility.

(C) The number of detainees currently held or formerly held, as the case may be, at such prison or facility.